

FILED
2/29/24 3:28 pm
CLERK
U.S. BANKRUPTCY
COURT - WDPA

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**IN RE: Ryan Michael Francis and
Jennifer Marie Francis**

Debtor(s).

)
) **Case No. 23-22322-GLT**
)
) **Chapter 13**
)
X **Related To Docket No. 45**

ORDER OF COURT
(Check Boxes That Apply)

☒ **Confirming Plan on Final Basis**

☒ **Chapter 13 Plan dated:**
November 29, 2023

☐ **Authorizing Distributions Under Plan
On Interim Basis Solely as Adequate
Protection**

☐ **Amended Chapter 13 dated:**

IT IS HEREBY ORDERED that the Chapter 13 Plan Payment is \$1910 effective 11/23.

IT IS HEREBY ORDERED that pursuant to the plan identified above (the "Plan"), as the same may be modified by this Order, the Chapter 13 Trustee is authorized to make distributions to creditors holding allowed claims from available funds on hand. Such distributions shall commence no earlier than the Chapter 13 Trustee's next available distribution date after the first day of the month following the date on which this Order is entered on the Court's docket.

IT IS FURTHER ORDERED that those terms of the Plan which are not expressly modified by this Order shall remain in full force and effect. To the extent any terms and conditions of the Plan are in conflict with this Order, the terms of this Order shall supersede and replace any conflicting terms and conditions of the Plan.

1. Unique Provisions Applicable Only to This Case: *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic monthly Plan payment is amended to be \$2178, beginning 3/24. To the extent there is no wage attachment in place or if an existing wage attachment is insufficient to fund the Plan payments, counsel to the Debtor(s) shall within seven (7) days hereof file a wage attachment motion (or motions) to fully fund the Plan payments, or shall sign up for and commence payments under the Trustee's TFS online payment program.
- ☐ B. The length of the Plan is changed to a total of at least ____ months. This

statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved.

- ☐ C. To the extent this Order is entered as a form of adequate protection, the Trustee is authorized to distribute to secured and priority creditors with percentage fees payable to the Chapter 13 Trustee on receipt as provided for in 28 U.S.C. §586. ***Continued conciliation conferences before the Trustee or contested hearings before the Court shall proceed on such dates and times as appear on the case docket.*** The Trustee is deemed to have a continuous objection to the Plan until such time the Plan is confirmed on a final basis.

PARTIES ARE REMINDED OF THEIR DUTY TO MONITOR THE COURT'S DOCKET AND ATTEND DULY SCHEDULED HEARINGS. THE PARTIES ARE FURTHER REMINDED OF THEIR DUTY TO MEET AND CONFER AND OTHERWISE ENGAGE IN GOOD FAITH SETTLEMENT NEGOTIATIONS WITH RESPECT TO ANY OBJECTION TO PLAN CONFIRMATION. FAILURE TO COMPLY WITH THESE DUTIES MAY RESULT IN THE IMPOSITION OF SANCTIONS AGAINST THE OFFENDING PARTY.

- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. The following utility creditor _____ shall be paid monthly payments of \$ _____ beginning with the Trustee's next distribution and continuing for the duration of the Plan's term, to be applied by that creditor to its administrative claim, ongoing budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim:
*IRS CL#10
- ☐ H. The secured claims of the following creditors shall govern as to claim amount, to be paid at the modified plan interest rate in a monthly amount to be determined by Trustee to pay the claim in full during the Plan term:

- ☐ I. The secured claim(s) of the following creditors shall govern as to claim amount, to be paid at the indicated interest rate in a monthly amount to be determined by Trustee to pay in full during the Plan term:
- ☐ J. The secured claim(s) of the following creditor(s) shall govern, following all allowed post-petition payment change notices filed of record:
-
- ☒ K. Additional Terms and Conditions:
*Attorney fees based on a retainer of \$1500 & remaining fees of \$2000
*Capital One Auto CL#16 will be paid \$6000 at 9.5%, in a monthly amount to be determined by Trustee to pay in full.

**All plan payments must be by TFS, WA, or (where eligible) ACH. Trustee reserves the right to reject money orders or cashier's checks, provided further that if she, in her discretion, presents such items for payments she may keep the funds on hold for more than 30 days before distributing on such types of payments. Debtors making payments by money order or cashier's check assume the risk that distributions under the plan will be delayed because of the failure to pay by one of the approved methods.*

2. Deadlines. The following deadlines are hereby established and apply to this case:

A. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates a sale or sales of assets or the recovery of litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

B. Review of Claims Docket and Objections to Claims. Pursuant to *W.P.A.LBR 3021-1(c)(2)*, the Debtor(s) (or Debtor(s)' attorney, if represented), shall review the proofs of claim filed in this case and shall file objections (1) to any disputed timely filed claims within ninety (90) days after the claims bar date, or (2) to any disputed late filed or amended claims within ninety (90) days after the amended and/or late claims are filed and served. Absent a timely objection or further order of the Court, the timely filed proof of claim will govern as to the classification and amount of the claim; provided however, no creditor shall receive a distribution in this case until such time as the relevant allowed claim is provided for in the Plan or any subsequent amended plan.

C. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, and all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

D. Filing Amended Plans or Other Stipulation. Within fourteen (14) days after the Bankruptcy Court resolves the priority of a claim, avoidability of a lien or interest, or extent of a lien, or any objection to claim, the Debtor(s) shall file an Amended Plan or Stipulated Order Modifying Plan to provide for the allowed amount of the lien or claim if the allowed amount and/or treatment differs from the amount and/or treatment stated in the Plan. The Debtor(s) or Counsel for Debtor(s) should inquire with the Chapter 13 Trustee regarding whether an Amended Plan or proposed Stipulated Order Modifying Plan is the preferred course of action. In addition, if after the conclusion of the claims bar date and any associated litigation, the Plan is underfunded, Debtor(s) shall also file (1) an amended Plan increasing the monthly Plan payment, and (2) a revised wage attachment to provide for the increased funding.

3. Additional Provisions. The following additional provisions apply in this case:

A. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

B. The Trustee shall hold in reserve any distributions under the Plan to any creditor who holds a claim that is provided for in the Plan but which is subject to a duly filed claims objection. Upon entry of further order of the Court, or ultimate allowance of the disputed claim provided for in the Plan, the Trustee may release the reserve and make distribution to the affected creditor. Unless otherwise permitted by separate Order of Court, Trustee shall not commence distributions to unsecured creditors until after the later of the government bar date and a filed notice of an intention to pay claims (the later date being the "Earliest Unsecured Distribution Date"). Trustee may, but has no obligation to, further defer distributions to unsecured creditors until a later date after the Earliest Unsecured Distribution Date.

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor(s)' counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any allowed ***secured claim*** (that is secured by the property subject to the relief from stay order), unless otherwise directed by further Order of Court.

G. The Debtor(s) shall maintain all policies of insurance on all property of the

Debtor(s) and this estate as required by law and/or contract.

H. The Debtor(s) shall pay timely all post-confirmation tax liabilities directly to the appropriate taxing authorities as they become due.

Dated: February 29, 2024


Gregory J. Taddonio, Chief Judge
United States Bankruptcy Court

cc: All Parties in Interest to be served by Clerk

In re:
Ryan Michael Francis
Jennifer Marie Francis
Debtors

Case No. 23-22322-GLT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Feb 29, 2024

User: auto
Form ID: pdf900

Page 1 of 4
Total Noticed: 51

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
^	Addresses marked '^' were sent via mandatory electronic bankruptcy noticing pursuant to Fed. R. Bank. P. 9036.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 02, 2024:

Recip ID	Recipient Name and Address
db/jdb	+ Ryan Michael Francis, Jennifer Marie Francis, 399 Sheffield Drive, Greensburg, PA 15601-1745
15661789	Apothaker Scian P.C., PO Box 5496, Mount Laurel, NJ 08054-5496
15661790	+ Capital One, PO Box 71087, Salt Lake City, UT 84171
15653011	Capital One Auto Finance, PO Box 6051, City of Industry, CA 91716-0511
15661792	+ Car Care NAPA Easy, PO Box 965036, Orlando, FL 32896-5036
15661797	+ GGSA, 210 W. Otterman Street, Greensburg, PA 15601-2225
15661800	+ Larry Burns, Esquire, PO Box 617, Latrobe, PA 15650-0617
15661808	PA Turnpike Commission, Atten: Toll Enforcement, 300 Esat Park Drive, Harrisburg, PA 17111

TOTAL: 8

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/PDF: acg.acg.ebn@aisinfo.com	Mar 01 2024 00:23:55	Capital One Auto Finance, a division of Capital On, 4515 N Santa Fe Ave. Dept. APS, Oklahoma City, OK 73118-7901
cr	+ Email/Text: ebnpeoples@grblaw.com	Mar 01 2024 00:19:00	Peoples Natural Gas Company LLC, GRB Law, c/o Jeffrey R. Hunt, Esquire, 525 William Penn Place, Suite 3110, Pittsburgh, PA 15219, UNITED STATES 15219-1753
15661788	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Mar 01 2024 00:19:00	ADS/Comenity/LNBRYANT, PO Box 182789, Columbus, OH 43218-2789
15665944	+ Email/Text: documentfiling@lciinc.com	Mar 01 2024 00:19:00	COMCAST, PO BOX 1931, Burlingame, CA 94011-1931
15661795	Email/Text: BKY@conserve-arm.com	Mar 01 2024 00:19:00	Conserve, 200 CrossKeys Office Park, Fairport, NY 14450
15670690	+ Email/PDF: acg.acg.ebn@aisinfo.com	Mar 01 2024 00:24:19	Capital One Auto Finance, a division of Capital On, P.O. Box 4360, Houston, TX 77210-4360
15655679	Email/PDF: AIS.cocard.ebn@aisinfo.com	Mar 01 2024 00:24:08	Capital One N.A., by American InfoSource as agent, PO Box 71083, Charlotte, NC 28272-1083
15661793	+ Email/Text: bankruptcy@cavps.com	Mar 01 2024 00:19:00	Cavalry SPV I, LLC, 1 American Lane, Suite 220, Greenwich, CT 06831-2563
15653578	+ Email/Text: bankruptcy@cavps.com	Mar 01 2024 00:19:00	Cavalry SPV I, LLC, PO Box 4252, Greenwich, CT 06831-0405
15661794	+ Email/Text: documentfiling@lciinc.com	Mar 01 2024 00:19:00	Comcast, PO Box 70219, Philadelphia, PA 19176-0219
15660641	Email/Text: operationsclerk@easypayfinance.com	Mar 01 2024 00:19:00	Duvera dba Easypay Finance, PO Box 2549, Carlsbad, CA 92018
15661798	+ Email/Text: Bankruptcy@ICSystem.com		

District/off: 0315-2

User: auto

Page 2 of 4

Date Rcvd: Feb 29, 2024

Form ID: pdf900

Total Noticed: 51

		Mar 01 2024 00:19:00	IC Systems Inc, PO Box 64378, Saint Paul, MN 55164-0378
15661796	Email/Text: sbse.cio.bnc.mail@irs.gov		
		Mar 01 2024 00:19:00	Department of the Treasury, Internal Revenue Department, Kansas City, MO 64999-0010
15672087	Email/Text: JCAP_BNC_Notices@jcap.com		
		Mar 01 2024 00:19:00	Jefferson Capital Systems LLC, Po Box 7999, Saint Cloud MN 56302-9617
15661799	+ Email/Text: PBNCNotifications@peritussservices.com		
		Mar 01 2024 00:19:00	Kohls/Capone, PO Box 3115, Milwaukee, WI 53201-3115
15661801	+ Email/PDF: resurgentbknotifications@resurgent.com		
		Mar 01 2024 00:24:21	LVNV Funding, PO Box 1269, Greenville, SC 29602-1269
15665221	Email/PDF: resurgentbknotifications@resurgent.com		
		Mar 01 2024 00:24:23	LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
15661802	+ Email/Text: mawccollection@mawc.org		
		Mar 01 2024 00:19:00	MAWC, 124 Park and Pool Road, New Stanton, PA 15672-2404
15661804	Email/Text: EBN@Mohela.com		
		Mar 01 2024 00:19:00	MOHELA, PO Box 1022, Chesterfield, MO 63006-1022
15661803	+ Email/Text: bankruptcydpt@mcmcg.com		
		Mar 01 2024 00:19:00	Midland Credit Management, 320 E. Big Beaver Rd, Suite 300, Troy, MI 48083-1271
15669315	+ Email/Text: bankruptcydpt@mcmcg.com		
		Mar 01 2024 00:19:00	Midland Credit Management, Inc, P.O. Box 2037, Warren, MI 48090-2037
15653012	Email/Text: nsm_bk_notices@mrcooper.com		
		Mar 01 2024 00:19:00	Mr. Cooper, PO Box 60516, City of Industry, CA 91716-0516
15672088	Email/Text: nsm_bk_notices@mrcooper.com		
		Mar 01 2024 00:19:00	Nationstar Mortgage LLC, Attn: Bankruptcy Department, P.O. Box 619096, Dallas, TX 75261-9741
15661806	+ Email/Text: electronicbkydocs@nelnet.net		
		Mar 01 2024 00:19:00	NelNet, PO Box 82561, Lincoln, NE 68501-2561
15661807	+ Email/Text: bnc@nordstrom.com		
		Mar 01 2024 00:19:57	Nordstrom/TD Bank, 13531 E. Caley Av Service, Englewood, CO 80111-6505
15673073	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com		
		Mar 01 2024 00:24:20	PORTFOLIO RECOVERY ASSOCIATES, LLC, POB 41067, Norfolk, VA 23541
15661810	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com		
		Mar 01 2024 00:23:55	Portfolio Recovery Associates, LLC, PO Box 12914, Norfolk, VA 23541
15663678	Email/Text: RVSVCBICNOTICE1@state.pa.us		
		Mar 01 2024 00:19:00	Pennsylvania Department of Revenue, Bankruptcy Division, PO Box 280946, Harrisburg, PA 17128-0946
15661809	^ MEBN		
		Mar 01 2024 00:13:38	Peoples, PO Box 644760, Pittsburgh, PA 15264-4760
15659892	+ Email/Text: ebnpeoples@grblaw.com		
		Mar 01 2024 00:19:00	Peoples Natural Gas Company LLC, GRB Law, c/o Jeffrey R. Hunt, Esquire, 525 William Penn Place, Suite 3110, Pittsburgh, PA 15219-1753
15670807	+ Email/Text: JCAP_BNC_Notices@jcap.com		
		Mar 01 2024 00:19:00	Premier Bankcard, LLC, Jefferson Capital Systems LLC Assignee, Po Box 7999, Saint Cloud MN 56302-7999
15661811	+ Email/PDF: ais.fpc.ebn@aisinfo.com		
		Mar 01 2024 00:34:36	Premier Bkcrd/First Premier, 601 S. Minnesota Avenue, Sioux Falls, SD 57104-4824
15661812	+ Email/Text: ecfbankruptcy@progleasing.com		
		Mar 01 2024 00:19:00	Progressive Leasing, 256 W. Data Drive, Draper, UT 84020-2315
15661813	+ Email/PDF: ais.sync.ebn@aisinfo.com		
		Mar 01 2024 00:24:05	SYNCB/JCPenney, PO Box 965007, Orlando, FL 32896-5007
15672497	+ Email/Text: bncmail@w-legal.com		
		Mar 01 2024 00:19:00	Scolopax, LLC, C/O Weinstein & Riley, P.S., 1415 WESTERN AVE, SUITE 700, SEATTLE, WA 98101-2051

District/off: 0315-2

User: auto

Page 3 of 4

Date Rcvd: Feb 29, 2024

Form ID: pdf900

Total Noticed: 51

15668600	Email/Text: bankruptcy@springoakscapital.com	Mar 01 2024 00:19:00	Spring Oaks Capital SPV, LLC, PO BOX 1216, CHESAPEAKE, VA 23327-1216
15661814	^ MEBN	Mar 01 2024 00:12:52	UPMC, PO Box 371472, Pittsburgh, PA 15250-7472
15671553	Email/Text: BNCnotices@dcmsservices.com	Mar 01 2024 00:19:00	UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123
15671568	Email/Text: BNCnotices@dcmsservices.com	Mar 01 2024 00:19:00	UPMC Physician Services, PO Box 1123, Minneapolis, MN 55440-1123
15667396	+ Email/Text: electronicbkydocs@nelnet.net	Mar 01 2024 00:19:00	US Department of Education c/o Nelnets, 121 S 13th St, Lincoln, NE 68508-1904
15661815	Email/Text: bankruptcy@firstenergycorp.com	Mar 01 2024 00:19:00	West Penn Power, PO Box 3687, Akron, OH 44309-3687
15670732	+ Email/Text: bankruptcy@firstenergycorp.com	Mar 01 2024 00:19:00	West Penn Power, 5001 NASA Blvd, Fairmont WV 26554-8248
15661816	+ Email/Text: documentfiling@lciinc.com	Mar 01 2024 00:19:00	Xfinity Mobile, 1701 John F. Kennedy Blvd, Philadelphia, PA 19103-2838

TOTAL: 43

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		COMCAST
cr		NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER
15661791	*	Capital One Auto Finance, PO Box 6051, City of Industry, CA 91716-0511
15661805	*	Mr. Cooper, PO Box 60516, City of Industry, CA 91716-0516

TOTAL: 2 Undeliverable, 2 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 02, 2024

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 29, 2024 at the address(es) listed below:

Name	Email Address
Danielle Boyle-Ebersole	on behalf of Creditor Capital One Auto Finance a division of Capital One, N.A., c/o AIS Portfolio Services, LLC dboyle-ebersole@hoflawgroup.com, PABKAttorneyecf@orlans.com
Denise Carlon	on behalf of Creditor NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER dcarlon@kmlawgroup.com
Jeffrey Hunt	

District/off: 0315-2

User: auto

Page 4 of 4

Date Rcvd: Feb 29, 2024

Form ID: pdf900

Total Noticed: 51

on behalf of Creditor Peoples Natural Gas Company LLC ecfpeoples@grblaw.com PNGbankruptcy@peoples-gas.com

Office of the United States Trustee

ustpreion03.pi.ecf@usdoj.gov

Richard W. Schimizzi

on behalf of Joint Debtor Jennifer Marie Francis rws@schimizzilaw.com
mrs@schimizzilaw.com; G16143@notify.cincompass.com; lms@schimizzilaw.com

Richard W. Schimizzi

on behalf of Debtor Ryan Michael Francis rws@schimizzilaw.com
mrs@schimizzilaw.com; G16143@notify.cincompass.com; lms@schimizzilaw.com

Ronda J. Winnecour

cmecf@chapter13trusteedpa.com

TOTAL: 7